

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN THE MATTER OF THE  
EXTRADITION OF  
OMAR ABDUL-RAZAQ,  
a/k/a OMAR RAZAQ  
\_\_\_\_\_ /

Misc. No. 14-MJ-30534

Hon. R. Steven Whalen  
United States Magistrate Judge

**CERTIFICATION OF EXTRADITION**

On October 24, 2014, the United States filed a complaint for the provisional arrest of Omar Abdul-Razaq (“Razaq”), at the request of the Government of Canada (“Canada”), pursuant to the Extradition Treaty between the United States and Canada. Counsel was appointed, and on October 27, 2014, Razaq consented to detention. On December 11, 2014, the United States received the formal request for Razaq’s extradition to Canada, supported by the appropriate documents. On January 19, 2015, the matter was referred to the undersigned Magistrate Judge to conduct an extradition hearing. The Court subsequently granted counsel’s motion to withdraw and appointed new counsel.

A hearing was held on March 26, 2015, pursuant to 18 U.S.C. § 3184. Present were Razaq, his attorney, and the Assistant United States Attorney, representing the United States. The Court admitted the following Exhibits offered by the United States:

(1) The duly certified Declaration of Anna Cavnar, an Attorney-Adviser in the Office of the Legal Adviser, United States Department of State, to which were attached the Extradition Treaty between the United States and Canada of December 3, 1971, which

entered into force on March 22, 1976, the Protocol Amending the Extradition Treaty with Canada of January 11, 1988, which entered into force on November 26, 1991, and the Second Protocol Amending the Extradition Treaty with Canada of January 12, 2001, which entered into force on April 30, 2003. [Government's Exhibit No. 1].

(2) The duly authenticated affidavits of Amanda Rubaszek, Prosecutor for the Ministry of Attorney General for the Province of Ontario, to which is attached (a) a certified true copy of the Information charging Razaq and a certified true copy of the Warrant for the Arrest of Razaq; and (b) the duly authenticated Affidavit of Fact prepared on November 17, 2014 by Clint Eggenberger, police officer with the Peel Regional Police Service, to which is attached a photograph of Omar Abdul-Razaq. [Government's Exhibit No. 2].

(These Exhibits are submitted with this Certification, along with the transcript of the hearing held on March 26, 2015).

Having reviewed the Exhibits and heard the statements of both the Assistant United States Attorney and Mr. Abdul-Razaz, the Court makes the following findings of fact and conclusions of law:

(1) As a United States Magistrate Judge, I am a judicial officer of the United States who is authorized to conduct these extradition proceedings under 18 U.S.C. § 3184. *See Austin v. Healey*, 5 F.3d 598, 601-602 (2d Cir. 1993), *cert. denied* 510 U.S. 1165 (1994).

(2) This Court has jurisdiction over Omar Abdul-Razaq. 18 U.S.C. § 3184.

(3) The applicable extradition treaty between the United States and Canada, a copy of which is set forth in Government's Exhibit No. 1, is in full force and effect. *See* Declaration of Anna Cavnar, Government's Exhibit 1.

(4) A crime for which surrender is requested, to wit, uttering threats contrary to § 264.1 of the Criminal Code, punishable by a term of incarceration not exceeding five years, is an extraditable offense under the applicable treaty, and would constitute a crime punishable by a term of incarceration greater than one year under the laws of the United States. *See* 18 U.S.C. § 875. However, the second charged offense, making harassing telephone calls, § 373(3) of the Criminal Code, is punishable on summary conviction and carries a maximum penalty of six months incarceration. *See* § 787(1) of the Criminal Code. That offense is therefore not extraditable under the applicable treaty.

(5) Based on the affidavits of Amanda Rubaszek and Clint Eggenberger, there is probable cause to believe that Omar Abdul-Razaq committed the offense of uttering threats.

The requirements of 18 U.S.C. § 3184 having been satisfied,

IT IS HEREBY CERTIFIED that Omar Abdul-Razaq, a/k/a Omar Razaq, is subject to extradition to Canada to answer to the charge of uttering threats.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: April 7, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was sent to parties of record on April 7, 2015, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
Case Manager